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OFFICE OF PETITIONS

Applicant: Gilmanshin
Appl. No.: 10/622,076
Filing Date: July 17, 2003
Title: METHODS AND COMPOSITIONS FOR ANALYZING POLYMERS USING
CHIMERIC TAGS
Attorney Docket No.: C0989.7005US00
Pub. No.: US 2004/0053399 A1
Pub. Date: March 18, 2004

This is in response to the request for a corrected patent application publication under 37 CFR 1.221(b), which was filed on April 19, 2004.

The request is DISMISSED.

The instant request is that the application be republished because the patent application publication contains several mistakes as the phrase "[i]n preferred embodiments, the tag molecules are 6-100 nucleotides in length, more preferably between 5-25 nucleotides in length, and even more preferably 5-12 nucleotides in length" is misprinted as "[i]n preferred embodiments, the tag molecules are 6-100 nucleotides in length, more preferably between 525 nucleotides in length, and even more preferably 5-12 nucleotides in length" in paragraph [0076] and "DNase I" is misprinted as "DNase 1" in paragraph [0089].

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records . . . Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The error noted by requestor wherein "more preferably between 5-25 nucleotides in length" is misprinted as "more preferably between 525 nucleotides in length" is an Office error, but the mistake is a minor typographical error, which is clearly understandable to one of ordinary skill in reading the specification and the claims. The mistake is a minor typographical error which is clearly understandable from reading the specification and claims in which the term is used, as terms are not read in a vacuum and the phrase is referring to a range. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. Furthermore, this is not a material error since the Image File Wrapper (IFW) for this application is available to the public, as of July 31, 2004. The error noted by requestor wherein "DNase I" is misprinted as "DNase 1" is not clearly an Office error, as it is not clear from page 18, line 18 "DNase I" is in the text as filed.

Applicant should file applications having larger text, which is cleaner and with sufficient clarity and contrast to permit reproduction to avoid errors in the patent application publication process. See 37 CFR 1.52.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of this decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: 703-872-9306

The application will be examined in due course.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy